

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

MONICA McMICHAEL obo M.M.,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Commissioner of Social
Security,

Defendant.

CASE NO. 1:15-CV-1135

OPINION & ORDER
[Resolving Doc. [12](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On August 16, 2011, Plaintiff Monica McMichael applied for Supplemental Security Income benefits on behalf of her minor daughter, M.M..¹ After her applications were denied², Plaintiff requested that an ALJ evaluate her applications.³

On January 31, 2014, the ALJ determined that M.M. was not disabled within the meanings of the Social Security Act.⁴ The Appeals Council denied Plaintiff's request for review.⁵

Plaintiff filed this complaint. Consistent with Local Rule 72.2, the Court referred the matter to Magistrate Judge Kenneth S. McHargh. Magistrate Judge McHargh issued a Report and Recommendation, finding the ALJ's determination was not supported by substantial evidence and recommending that this Court vacate the Commissioner's denial of disability benefits and remand the case back to the ALJ for further proceedings.

¹ Doc. [1](#).

² Doc. [2](#) at 132-41, 143-52.

³ *Id.* at 166.

⁴ *Id.* at 67-81.

⁵ *Id.* at 1-4.

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Specifically, the Magistrate Judge found that the ALJ failed to take the entire record of evidence into account and made prejudicial errors in adjudicating this case.⁶

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection.⁷

The Commissioner of Social Security declined to file any objections in this case.⁸

Absent objection, a district court may adopt the magistrate judge's report without review.⁹ Moreover, having conducted its own review of the parties' briefs in this case, the Court agrees with the conclusions of Magistrate Judge Kenneth S. McHargh.

Accordingly, the Court **ADOPTS** in whole Magistrate Judge McHargh's findings of fact and conclusions of law and incorporates them fully herein by reference. The Court thus **REMANDS** this case to the Administrative Law Judge for further proceedings.

IT IS SO ORDERED.

Dated: June 13, 2016

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ Doc. [12](#) at 18-29.

⁷ [28 U.S.C. § 636\(b\)\(1\)\(C\)](#).

⁸ Doc. [13](#).

⁹ [Thomas v. Arn](#), 474 U.S. 140, 149 (1985).